

TRANSCRIPT FILING AND REDACTION PROCESS:

Section 1 –

Background: At its September 2007 session, the Judicial Conference approved a new policy regarding the availability of transcripts in the electronic files system.

Section 2 –

Judicial Conference

Policy: The language from the Judicial Conference's September 2007 session states:

1. A transcript provided to a court by a court reporter or transcriber will be available at the Clerk's Office for inspection only, for a period of 90 days after it is filed.
2. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference the transcript will be available for court users. An attorney who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the CM/ECF system.
3. After the 90-day period has ended, the transcript will be available for copying in the Clerk's Office, from the court reporter, and for downloading through PACER.

Section 3 –

Filing of the Official Transcript by the Official Court Reporter:

The Official Court Reporter should follow these steps to file the initial transcript.

1. Prepare transcript and convert to PDF.
 - A. In civil cases, voir dire must be prepared and e-filed as a separate volume of the transcript if it is to be sealed. Criminal voir dire must be prepared as its own volume and always sealed.
 - B. Each volume will be prepared and e-filed, editing the docket entry to clearly identify the transcript by volume and day-of-trial numbering, i.e., **Day 1, Volume 1A and Volume 1B**.
 - C. Each day thereafter of the trial or proceeding the transcript will be prepared and e-filed as a separate volume
 - D. The Court Reporter's Certificate must be signed with the

- following electronic signature: “ /s/ Jane Court Reporter.”
2. Log in to CM/ECF.
 3. E-filing Transcript
 - A. Civil
 - Click on “Civil” “Court Events,” “Transcript” and e-file the pertinent volume(s) in CM/ECF. Edit the docket text as indicated above, if necessary.
 - If the judge orders the voir dire e-filed under seal, it must be prepared in a separate volume and e-filed under “Civil,” “Other Events,” “Sealed Transcript.” Edit the docket text to indicate it is “Sealed Transcript, **Voire Dire.**”
 - During the filing process, accept the default deadline: “Release of Transcript Restriction Deadline (90 calendar days from filing date)”
 - B. Criminal
 - In criminal trials, the voir dire must be e-filed in a separate volume of the transcript under “Other Events,” “Sealed Transcript.” Edit the docket text to indicate “Sealed Transcript, **Voire Dire.**”
 - To e-file subsequent volumes of the transcript, click on “Other Filings,” “Other Documents,” “Transcript” and e-file the document in CM/ECF. Edit the docket text as indicated above, if necessary.
 - C. Appeal Trial Transcripts
 - Appeal trial transcripts will not be e-filed until the date set by the scheduling order filed by the Court or the Ninth Circuit, whichever date is later.
 - The ordering party will receive the hard copy text of the appeal trial transcript from the court reporter within thirty days of ordering.
 4. **NOTE:** The NEF will automatically include text:
 - **Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, purchased through the Court Reporter/Transcriber, or copied by the Clerk’s Office.**
 - **Redaction Request due <21 calendar days>. Redacted Transcript Deadline set for <31 calendar days>. Release of Transcript Restriction set for <90 calendar days>. NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 10 DAYS OF THIS FILING.**
 5. From the NEF, click the case number hyperlink at the TOP of the page.
 6. On the Docket Sheet page, click “Run Report.”
 7. Scroll to the Transcript filing and click on the padlock icon.

8. Select the attorney of record who has purchased the transcript and should have access to the document. After you select the attorney, you will see that the name appears in the Document Access Panel on the “Granted Access” side of the window.
NOTE: If a party or an attorney other than an attorney of record has purchased the transcript, do not grant access.
9. Continue the step above until all attorneys of record who should have remote access to the transcript are appearing on the “Granted Access” side of the window and click “Submit.”
10. Contract Court Reporters must submit their transcripts by e-mail or CD-Rom to the Clerk’s Office and the case manager will e-file the transcript.

Section 4 – Quality Control by Case Managers:

1. When a transcript is filed, the case manager shall follow the appropriate QC checklist and in addition shall:
 - A. Verify that the padlock icon appears next to the pleading number, and
NOTE: If it is a “Sealed Transcript,” there will be no padlock icon.
 - B. Review pending Deadlines/Hearings and verify that the “Release of Transcript Restriction Deadline (90 calendar days from filing date)” is pending.
 - C. Check to see that a TD&O has been filed. When all transcripts have been filed, Case Manager should prepare the Certificate of Record for the Circuit.
2. When an order on the “Motion for Redaction of Electronically Filed Transcript” is e-filed, Case Managers must notify the court reporter/transcriber.

Section 5 – Notice of Intent to Redact:

1. Within 10 calendar days, each party wishing to redact a transcript must inform the court with the filing of a “Notice of Intent to Redact.”
NOTE:
 - Official Court Reporters will prepare a Daily Activity Report to view any TD&Os filed the previous day.
 - Attorneys shall notify any court reporter/ transcriber of this filing. There will be a notice to attorneys on the NEF that they should notify the court reporter.

2. After counsel has filed a Notice of “Intent to Request Redaction,” counsel must e-file a “Request for Redaction” within 21 calendar days of the filing of the transcript, including a statement which lists the personal identifiers they want redacted and where they appear by page and line.
NOTE: Counsel may not e-file the “Notice of Intent to Redact” with a general statement of what they want redacted. They must follow up with a “Request for Redaction” and their list of personal identifiers and where they appear by page and line.
3. **NOTE:** This procedure is limited to the redaction of the specific personal data identifiers only listed below:
 - Social Security numbers to the last four digits;
 - Financial account numbers to the last four digits;
 - Dates of birth to the year;
 - Names of minor children to the initials; and
 - Home addresses to the city and state, in criminal cases only.

Section 6 – Motions by Counsel for Additional Redactions:

During the above 21-day period, counsel may move the court for any additional redactions to the transcript by filing a “Motion for Redaction of Electronic Transcript.” If a motion requesting additional redactions is filed, the following action should be taken:

1. The motion shall be put under advisement to the presiding judge immediately for ruling. There will be no response time. The transcript will not be electronically available until the court has ruled on any such motion, even if the 90-day restriction period has ended. These motions will be handled by the court as expeditiously as possible, given the 90-day restriction period.
2. The judge will decide on the motion by clicking on the gavel icon next to the NEF for the motion.
3. Case managers must notify any court reporter/transcriber when the order on the motion is filed.

Section 7 – Additional Copies of Transcript Purchased:

Once a transcript has been filed with the court, if additional copies are purchased, the Official Court Reporter must click on the padlock icon and give that attorney of record remote access. When a copy is purchased from a contract court reporter, the Case Managers will remove the restriction level for that attorney.

**Section 8 –
Redacted Transcript
Filing by the
Court Reporter:**

If there is a redaction request, within 31 calendar days from the filing of the original transcript, or longer if the court so orders, the “Redacted Transcript” will be prepared and electronically filed by the Official Court Reporter as follows:

1. Prepare transcript as described in Section 3 above and convert to PDF.
2. Log in to CM/ECF.
3. E-filing Redacted Transcript
 - A. Civil
 - Click on Civil, “Other Filings,” “Other Documents,” “Transcript - Redacted,” and file the document in CM/ECF
 - B. Criminal
 - Click on Criminal, “Other Filings,” “Other Documents,” and “Transcript - Redacted.”
4. From the NEF, click the case number hyperlink at the TOP of the page.
5. On the Docket Sheet page, click “Run Report.”
6. Scroll to the Redacted Transcript filing and click on the padlock icon.
7. The system should have the same access rights given to the Redacted Transcript as were applied to the original transcript.
8. Verify that all appropriate attorneys of record have access to the Redacted Transcript.
9. Contract Court Reporters must file their transcripts by e-mail or CD-Rom to the Clerk’s Office and the case manager will e-file the transcript.

**Section 9 –
Removing the
Restriction:**

The redacted transcript will be available for remote access after 90 calendar days from the date the original transcript was filed. The unredacted, original transcript will only be available remotely after 90 calendar days IF there are no redaction issues.

Take the following steps to remove the “Special Document Access Restriction” after 90-day period or after all motions have been ruled on and redacted transcript e-filed.

1. Click on the padlock icon next to “Transcript” or “Transcript - Redacted.” **DO NOT** remove the document access restriction on the “Transcript” if there have been redactions made. It will remain restricted.
2. De-select the “Restricted” checkbox on the correct transcript. The special document access will be removed and the document will be available to all users, including PACER users.

**Section 10 –
Partially Sealed
Transcripts:**

If the court reporter has prepared a transcript in which portions are redacted due to the sealing of one portion of the proceeding, the following steps should be followed:

1. Court reporter will redact the sealed portions of the transcript.
2. Court reporter will e-file the **redacted** version (with the removal of the sealed portions) as “Transcript Redacted.”
3. The **redacted** version will be linked to the **sealed, unredacted** “Transcript” (full version including sealed portions) which will remain sealed from the public, only accessible to the party’s attorney that has ordered the transcript.

**Section 11 –
Terminating
Deadlines.**

In Civil cases, use “Utility Events,” and “Terminate Deadlines.” In Criminal cases, use “Utility Events,” “Terminate Deadlines and Hearings - SDM.”